THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17773 of 2005

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THURSDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

Between:

Busannagari Ravi Kumar Reddy S/o. Govinda Reddy
R/o. Velugotevari Palli Village, Ganglapenta Mandal
Ananthapur District.

..... PETITIONER

AND

1 The Sub-Inspector of Police Galiveedu Police Station
Galiveedu, Galiveedu Mandal Cuddapah District.
2 The Mandal Revenue Officer
Galiveedu, Galiveedu Mandal Cuddapah District.
3 The In-Charge, Mandal Level Stock Point Rayachoty Mandal
Cuddapah District.

.....RESPONDENTS

The Court, at the stage of admission, made the following:

Oral order:-

Crime No.44 of 2005 on the file of Galiveedu Police Station, Galiveedu, Galiveedu mandal, Kadapa district, has been registered against the petitioner on 29-07-2005 for alleged offences under Sections 406, 409 and 417 IPC on the ground that he was transporting 500 bags of rice meant for 'food for work programmee'. The quantity of rice and the lorry have been seized. The petitioner has filed this writ petition for a declaration that the action of the 1st respondent in seizing rice is without jurisdiction.

This contention is misconceived. Once a crime is registered against the petitioner for offences under the provisions of the Indian Penal Code, inherent is the respondents jurisdiction to seize the material objects concerning the offence. If the petitioner wants interim custody of the seized goods, he should make an application before the jurisdictional Magistrate for such interim custody under the applicable provisions of the Code of Criminal Procedure.

In the circumstances and on the analysis above, the writ petition is dismissed. The petitioner is at liberty to approach the concerned Magistrate for interim custody of the rice seized by the respondents on 29-07-2005. No costs.

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GODA RAGHURAM, J

Dt. 11-08-2005

Pvks/*

Nb:- Furnish c.c. in two days.

B/o pvks/*